

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

BILLY HATHORN, JR.

PLAINTIFF(S)

VERSUS

**CIVIL ACTION NO. 2:16-CV-90-KS
CRIMINAL NO. 2:09-CR-17-KS-MTP**

UNITED STATES OF AMERICA

DEFENDANT(S)

CERTIFICATE OF APPEALABILITY

A notice of appeal having been filed in the captioned habeas corpus case, in which the detention complained of arises out of process issued by a state court pursuant to 28 U.S.C. § 2254 or the detention arises out of a judgment and conviction in federal court which is being challenged pursuant to 28 U.S.C. § 2255, the court, considering the record in the case and the requirements of 28 U.S.C. § 2253 and Rule 22(b) of the Federal Rules of Appellate Procedure, hereby finds that:

Part A

 A certificate of appealability should issue. (See reasons below.)

 X A certificate of appealability should not issue. (See reasons below.)

Part B

(for non-CJA pauper cases only)

 The party appealing is a pauper.

 The party appealing is not a pauper. (See reasons below.)

REASONS:

This Court finds that the Petitioner has failed to make a substantial showing of violation of a Constitutional or statutory right.

Date: 1/31/2017

s/Keith Starrett
UNITED STATES DISTRICT JUDGE